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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

James Ford and Lindsey Ford,

Plaintiffs,

vs.

Jesus Camargo; Myrl Baker; and
Loves Garage Doors, LLC,

Defendants.

Case No.:

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

1 Plaintiffs James Ford (“Mr. Ford”) and Lindsey Ford (“Mrs. Ford”) (collectively,
2 the “Fords”) respectfully submit this Complaint against Defendants Jesus Camargo
3 (“Defendant Camargo”), Myrl Baker (“Defendant Baker”), and Loves Garage Doors, LLC
4 (“Defendant Loves”) (collectively, “Defendants”).
5

6 **I. JURISDICTION, AND VENUE**

7 1. This Court has jurisdiction of this action pursuant to 28 U.S.C. § 1332 because
8 the parties are citizens of different States and the matter in controversy exceeds \$75,000.
9

10 2. Venue in the District of Arizona is proper pursuant to 28 U.S.C. § 1391
11 because Defendants regularly transact business within this District or are otherwise subject
12 to personal jurisdiction in this District, and a substantial part of the events giving rise to
13 Plaintiff’s claims occurred in this District.
14

15 **II. PARTIES**

16 3. Mr. Ford is a natural person who resides in Livingston County, Michigan.
17

18 4. Mrs. Ford is a natural person who resides in Livingston County, Michigan.

19 5. Defendant Camargo is a natural person who resides in Maricopa County,
20 Arizona.
21

22 6. During all time pertinent to this Complaint, Defendant Camargo was
23 employed by Loves Garage Doors, LLC.

24 7. During all time pertinent to this Complaint, Defendant Camargo acted within
25 the scope of his employment by Loves Garage Doors, LLC.
26
27
28

1 8. Defendant Baker is a natural person who resides in Maricopa County,
2 Arizona.

3 9. Defendant Loves is an Arizona limited liability company which operates in
4 Maricopa County, Arizona. Defendant Loves can be served at REGISTERED AGENTS
5 INC, 1846 E Innovation Park Dr., Ste 100, Oro Valley, AZ 85755.
6

7 10. During all time pertinent to this Complaint, Defendant Loves Garage Doors,
8 LLC was an alter ego and conduit of Defendant Baker, the sole member of Defendant Loves.
9

10 11. During all time pertinent to this Complaint, Defendants caused events to
11 occur in Maricopa County, Arizona from which this Complaint arises. Unless otherwise
12 indicated, all conduct alleged herein was performed, directed from, and done in the County
13 of Maricopa, State of Arizona.
14

15 **III. FACTUAL ALLEGATIONS**

16 **A. The Accident**

17
18 12. The Fords incorporate the above paragraphs as though fully set forth herein.

19 13. On August 17, 2021, at approximately 2:09 pm, Mr. Ford was traveling west
20 bound on E Rio Verde Drive in Scottsdale, Arizona in a 2020 Toyota Sienna minivan with
21 his 4-year-old daughter “EF” in a car seat installed in a rear seat.¹
22

23 14. On August 17, 2021, at approximately 2:09 pm, Defendant Camargo was
24 traveling east bound on E Rio Verde Drive in Scottsdale, Arizona to a job site in a 2017
25 Dodge 1500 pickup truck, with Mr. Baker in the passenger seat.
26

27
28

¹ The Fords’ minor daughter is referred to by her initials throughout this Complaint.

1 15. During all times pertinent to this Complaint, the Dodge pickup truck driven
2 by Defendant Camargo and involved in the collision was owned by Defendant Loves, and
3 Defendant Camargo was employed by Defendant Loves.
4

5 16. Defendant Camargo failed to slow for stopped east bound traffic, crossed the
6 center line into Mr. Ford's driving lane, and collided head-on with Mr. Ford and EF.
7

8 17. Upon arrival of emergency and police personnel, Defendant Camargo was
9 cited for two violations of Arizona law:

10 a) ARS 28-701A; Fail to Control Speed to Avoid Collision

11 b) ARS 28-721A: Driving Left of Center
12

13 **B. The Fords' Injuries & Damages**

14 18. The Fords incorporate the above paragraphs as though fully set forth herein.

15 19. Mr. Ford was severely injured during the collision and transported via
16 emergency ambulance to Honor Health-Osborn for treatment of concussion and torso
17 abrasions and severe lacerations on his hand.
18

19 20. Mr. Ford was kept overnight at Honor Health and discharged on August 18,
20 2021, with follow-up care instructions due to the severity of the physical injuries he
21 sustained.
22

23 21. On August 25, 2021, Mr. Ford followed up with an Orthopedic specialist due
24 to persistent pain in his back, neck, and shoulders.
25

26 22. The Orthopedic specialist diagnosed Mr. Ford with sprained ligaments in his
27 cervical spine and ordered an MRI to confirm the diagnosis.
28

1 32. In Arizona, “a breach of a statute intended as a safety regulation is not merely
2 evidence of negligence but is negligence per se.” *Brannigan v. Raybuck*, 136 Ariz. 513, 517,
3 667 P.2d 213, 217 (1983) (citing *Orlando v. Northcutt*, 103 Ariz. 298, 300, 441 P.2d 58, 60
4 (1968); W. Prosser, *Handbook of the Law of Torts* § 36 at 197–200 (4th ed. 1971)).

5
6 33. Defendant Camargo violated two Arizona statutes by failing to control the
7 speed of the vehicle which he operated in order to avoid a collision (ARS 28-701A) and by
8 driving in the left lane (ARS 28-721A).

9
10 34. Both ARS 28-701A and ARS 28-721A are traffic regulations intended to
11 ensure the general public’s safety and welfare, and specifically the safety of motorists and
12 pedestrians near motorways.

13
14 35. Defendant Camargo’s violations of ARS 28-701A and ARS 28-721A
15 constitute negligence per se.

16
17 36. Defendant Camargo’s violations of ARS 28-701A and ARS 28-721A caused
18 a head-on collision with Mr. Ford that caused damages to the Fords.

19 37. As a result of Defendant Camargo’s violations of 28-701A and ARS 28-
20 721A, Defendants are liable for the full extent of Plaintiff’s damages.

21
22 38. Defendant Camargo’s negligence occurred while he was subject to his
23 employer’s (Defendant Loves) right of control and while acting in furtherance of his
24 employer’s business. Specifically, Mr. Camargo was on the clock, transporting Defendant
25 Loves’ owner, and heading to a site to complete a job on behalf of Defendant Loves.
26
27
28

1 39. Defendant Loves is therefore vicariously liable for Mr. Camargo's negligence
2 under the doctrine of respondeat superior, rendering Defendant Loves liable for the Fords'
3 damages caused by Defendant Camargo's negligence.
4

5 40. As a direct and proximate cause of Defendants' negligence, Mr. Ford has
6 suffered damages, including, without limitation, physical injuries, physical pain and
7 suffering, emotional distress, and physical scarring.
8

9 **V. COUNT TWO**

10 **NEGLIGENCE**

11 All Defendants

12 41. The Fords incorporate the above paragraphs as though fully set forth herein.

13 42. As a driver on a public road in Arizona, Defendant Camargo owed duties of
14 care to the Fords, including the duty to drive in a reasonably safe manner so not to subject
15 the Fords or others to unreasonable risks of harm.
16

17 43. Defendant Camargo breached that duty by failing to control the speed of the
18 vehicle which he operated to avoid a collision.
19

20 44. Defendant Camargo further breached the duty of care by driving into
21 oncoming traffic.

22 45. Defendant Camargo's breach of the duty of care caused a head-on collision
23 with the vehicle Mr. Ford and his 4-year-old daughter were travelling in causing substantial
24 injuries.
25

26 46. Defendant Camargo's breach of the duty of care is a direct and proximate
27 cause of the Fords' injuries.
28

1 47. As a result of his breach of duty owed, Defendant Camargo is liable for the
2 Fords' damages.

3 48. Defendant Camargo's negligence occurred while he was subject to his
4 employer's (Defendant Loves) right of control and while acting in furtherance of his
5 employer's business. Specifically, Defendant Camargo was on the clock, transporting
6 Defendant Loves' owner, and heading to a site to complete a job on behalf of Defendant
7 Loves.
8

9
10 49. Defendant Loves is therefore vicariously liable for Defendant Camargo's
11 negligence under the doctrine of respondeat superior, rendering Defendant Loves liable for
12 the Fords' damages caused by Defendant Camargo's negligence.
13

14 50. As a direct and proximate cause of Defendants' negligence, Mr. Ford has
15 suffered damages, including, without limitation, physical injuries, physical pain and
16 suffering, emotional distress, and physical scarring.
17

18 **VI. COUNT THREE**

19 **LOSS OF CONSORTIUM**

20 All Defendants

21 51. The Fords incorporate the above paragraphs as though fully set forth herein.

22 52. Mr. Ford and Mrs. Ford are married.

23 53. Defendants' negligence caused Mr. Ford substantial bodily injury.

24 54. The injuries caused by Defendants' negligence have resulted in interference
25 with society, companionship, conjugal affections, and marital assistance between Mr. Ford
26 and his spouse Mrs. Ford.
27
28

1 55. Defendants are therefore liable to Mrs. Ford for the loss of consortium she
2 suffers.

3 56. Mrs. Ford requests all loss of consortium damages allowable under Arizona
4 common law.
5

6 **VII. COUNT FOUR**

7 **PIERCING THE VEIL**

8 Defendants Loves Garage Doors, LLC, and Defendant Myrl Baker

9 57. The Fords incorporate the above paragraphs as though fully set forth herein.

10 58. Defendant Baker is the owner/operator and sole member of Defendant Loves
11 Garage Doors, LLC.
12

13 59. Defendant Loves is the business entity through which Defendant Baker
14 individually and personally provides garage door installation, replacement, and repair
15 services.
16

17 60. Defendant Loves operates based on a unity of interest with Defendant Baker,
18 who failed to adequately capitalize the company or procure adequate/reasonable levels of
19 liability insurance.
20

21 61. Defendant Baker operates a business where he and his employees drive
22 throughout the Phoenix Metro area daily with heavy equipment/machinery.
23

24 62. Defendant Baker's business utilizes heavy commercial pickup truck vehicles
25 in conducting these constant commutes throughout the valley.
26
27
28

1 63. Defendant Baker is therefore aware that he and his employees are at an
2 elevated risk of causing serious injury in a motor vehicle accident, and this is reasonably
3 foreseeable.

4 64. Through pre-litigation communication, the Fords have discovered that
5 Defendant Baker failed to take out a liability insurance policy in Defendant Loves' name in
6 a reasonable amount, and the amount of coverage is substantially below the Fords' damages.
7

8 65. Defendant Baker's failure to purchase an adequate insurance policy to cover
9 catastrophic harm caused by a Defendant Loves employee while driving to and from job
10 sites renders maintenance of the legal fiction of limited liability unjust in this case.
11

12 66. In addition to failing to maintain adequate insurance policy coverage,
13 Defendant Loves is also inadequately capitalized. This is supported by the minimal amount
14 of insurance Defendants procured, to minimize costs despite the reasonably foreseeable risk
15 of serious harm to the Fords and other members of the public, while intending to use the
16 corporate entity to offset the risk of liability based on reasonably foreseeable risks of serious
17 harm.
18

19 67. Defendants' collision with the Fords and the Fords' consequent injuries are
20 the types of harm that were foreseeable to Defendants.
21

22 68. Based on the totality of circumstances, Defendant Loves is an alter ego of
23 Defendant Baker and otherwise a business conduit of Defendant Baker.
24

25 69. Disregarding Love's corporation's separate legal status is therefore
26 necessary to prevent injustice here.
27
28

